



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

June 21, 2006

IN REPLY REFER TO

HDA-CA

Document #: S49269

Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Ross A. Chittenden, Division of Transportation Programming, MS-82

Dear Mr. Kempton:

SUBJECT: Metropolitan Transportation Commission's 2005 Federal Transportation Improvement Program Amendment 2005-21

We, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), have completed our review of the Metropolitan Transportation Commission's (MTC) 2005 Federal Transportation Improvement Program (FTIP) Amendment 2005-21 submitted by your letter dated June 6, 2006. The amendment includes changes to the state, local, and transit elements of the FTIP.

The FHWA and the FTA approve this amendment in accordance with 23 CFR 450 and the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, with the following exception:

- TIP ID SCL050034, US-101/Capitol-Yerba Buena Interchange.

The above project is not exempt from the transportation conformity requirements. As such, the construction phase of the project may not be moved outside of the triennial element of the FTIP without a conformity determination. Since MTC did not make a conformity determination for this amendment, this change is not approved.

This amendment also includes several projects with funding programmed for the same project phase (i.e. PSE, ENV, ROW or CON) over several consecutive years "for information only." As a reminder, the total funding necessary for each project phase must be programmed in the FTIP in the year it is to be authorized. Project sponsors wishing to request and receive FHWA approval to proceed with federal-aid projects prior to the apportionment or allocation of authorized federal-aid funds may utilize the advance construction (AC) procedures to advance these projects. Therefore, MTC will need to amend the program listing for these projects in order to receive FHWA's authorization to proceed.

Additionally, please keep in mind that effective October 1, 2006, FHWA will not approve any AC authorizations or conversions for projects that are not properly included in the Federal Statewide Transportation Improvement Program (FSTIP). FHWA/FTA's June 27, 2005, Fiscal Constraint Guidance (<http://www.fhwa.dot.gov/planning/fcqa62805.htm>) and FHWA's May 10, 1996, Advance Construction Guidance (<http://www.fhwa.dot.gov/innovativefinance/sc308510.htm>) state that an AC project must be included in the FSTIP (1) in the year the project is authorized for advance construction and (2) the year the project is converted from advance construction to federal funding.



Notwithstanding the exception noted above, FHWA and FTA find that the amendment was developed based on a continuing, cooperative, comprehensive transportation planning process in accordance with 23 USC 134 and Section 5303 of the Federal Transit Act (49 USC 53). The approved changes made to the FTIP by this amendment do not result in the need to make a conformity determination. Therefore, we find that the FTIP continues to conform to the applicable State Implementation Plan.

This letter also constitutes approval and inclusion of MTC's FTIP Amendment 2005-21 into California's 2004/2005 Federal Statewide Transportation Improvement Program. However, this approval does not constitute eligibility determinations for any specified funding program for the projects contained in this amendment.

If you have any questions regarding this action, please call Mayela Sosa with the FHWA at (916) 498-5022 or Ted Matley with the FTA at (415) 744-2590.

Sincerely,

/s/ Leslie T. Rogers

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

/s/ Mayela Sosa

For
Gene K. Fong
Division Administrator
Federal Highway Administration

cc: (e-mail)
Raymond Odunlami, MTC
Abhijit Badge, Caltrans
Randy Steen, Caltrans
Terry Abbott, Caltrans
Ginger Vagenas, EPA
Ted Matley, FTA

(Other)
MTC FTIP Binder

MSosa:ac